UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA, MACON DIVISION

Dennis G. Nash, Jr. v. Americans with Disabilities, et al.

Civil Action No. 5:25-cv-355 (MTT) · No. 5:25-cv-355 (MTT) · Decided November 26, 2025

SUMMARY

The United States District Court for the Middle District of Georgia dismissed pro se plaintiff Dennis G. Nash, Jr.'s amended complaint under 28 U.S.C. § 1915(e)(2)(B). The court held that the complaint failed to state a claim because it did not make factual allegations against, or link claims to, any named defendant, and the Americans with Disabilities Act is a federal law rather than a suable entity. The order was entered without prejudice or prejudice designation stated in the provided text.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	November 26, 2025
DOCKET	5:25-cv-355 (MTT)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed an action alleging difficulties obtaining reasonable accommodation and moved to proceed in forma pauperis. After granting IFP status, the court ordered plaintiff to amend the deficient complaint and then conducted screening under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an IFP action that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. Screening dismissal for failure to state a claim is governed by the same standard as Federal Rule of Civil Procedure 12(b)(6), with pro se pleadings liberally construed but not rewritten by the court.
PRECEDENTIAL VALUE	Unknown; federal district court order with no reporter citation

TOPICS

motions to dismiss | civil procedure | pleadings | ada / disability

PRACTICE AREAS

Civil procedure | Civil rights | Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether the amended complaint stated a claim for relief under the Americans with Disabilities Act.
2. Whether the amended complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

HOLDINGS

1. The amended complaint failed to state a claim because it made no factual allegations against any named defendant and did not link any claim to a named defendant; the Americans with Disabilities Act is a federal law, not an entity capable of being sued.
2. The court dismissed the amended complaint under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief may be granted.

KEY QUOTATIONS

> *"The Court shall dismiss the case if it determines that the complaint (1) "is frivolous or malicious;" (2) "fails to state a claim on which relief may be granted;" or (3) "seeks monetary relief against a defendant who is immune from such relief.""* (Standard)

> *"The Americans with Disabilities Act is a federal law, not an entity capable of being sued."* (Discussion)

> *"Much like his original complaint, Nash fails to make factual allegations against any named defendant and fails to link claims to any named defendant."* (Discussion)

FACTUAL BACKGROUND

Nash alleged that he was handicapped because he was blind in his left eye and had been homeless and sleeping on sidewalks since July 15, 2024. He referenced difficulties obtaining services from the Metropolitan Housing Authority and continuing-education information from the Board of Education. The only named defendant in the amended complaint was "ADA," which the court understood as a reference to the Americans with Disabilities Act, and the complaint did not identify factual allegations or claims connected to any legally suable defendant.

PROCEDURAL HISTORY

Nash filed the action and an IFP motion. The court granted IFP status but required an amended complaint before conducting frivolity review. Nash filed an amended complaint on October 8, 2025. The district court dismissed the amended complaint for failure to state a claim because it did not allege facts against or link claims to any named defendant.

DISPOSITION

dismissed

CASES CITED

- Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir. 2004)
- Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)
- Thomas v. Harris, 399 F. App'x 508, 509 (11th Cir. 2010)
- Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)
- Hughes v. Lott, 350 F.3d 1157, 1160 (11th Cir. 2003)
- Osahar v. U.S. Postal Serv., 297 F. App'x 863, 864 (11th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Garfield v. NDC Health Corp., 466 F.3d 1255, 1261 (11th Cir. 2006)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION DENNIS G. NASH, JR.,)) Plaintiff,)) v.) CIVIL ACTION NO. 5:25-cv-355 (MTT)) AMERICANS WITH DISABILITIES,) et al.,)) Defendants.)) ORDER Pro se plaintiff Dennis Nash filed this action against “Americans with Disabilities,” “Unagressionally Americans,” and “4 Rerighting Am Rights.” ECF 1 at 1.

He also moved to proceed in forma pauperis (“IFP”). ECF 2. The Court granted Nash IFP status, but because Nash’s complaint was lacking, the Court ordered him to amend his complaint before it conducted a frivolity review pursuant to 28 U.S.C. § 1915. ECF 5. Nash filed his amended complaint on October 8, 2025. ECF 4.

For the following reasons, Nash’s amended complaint (ECF 4) is DISMISSED. I. STANDARD Section 1915 does not create an absolute right to proceed IFP in civil actions. 28 U.S.C. § 1915. “Where the IFP affidavit is sufficient on its face to demonstrate economic eligibility, the court should first docket the case and then proceed to the question of whether the asserted claim is frivolous.” Martinez v. Kristi Kleaners, Inc., 364 F.3d 1305, 1307 (11th Cir.

2004) (cleaned up). The Court shall dismiss the case if it determines that the complaint (1) “is frivolous or malicious;” (2) “fails to state a claim on which relief may be granted;” or (3) “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). A claim is frivolous if it “has little or no chance of success,” meaning that it appears “from the face of the complaint that the factual allegations are ‘clearly baseless’ or that the legal theories are ‘indisputably meritless.’” Carroll v. Gross, 984 F.2d 392, 393 (11th Cir.

1993). “A dismissal under § 1915(e)(2)(B)(ii) [for failure to state a claim] is governed by the same standard as a dismissal under Federal Rule of Civil Procedure 12(b)(6).”1 Thomas v. Harris, 399 F. App’x 508, 509 (11th Cir. 2010) (citing Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997)).

However, because Nash is proceeding pro se, her “pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed.” Hughes v. Lott, 350 F.3d 1157, 1160 (11th Cir. 2003) (internal quotation marks and citation omitted). But “[d]espite the leniency afforded pro se plaintiffs, the district court does not have license to rewrite a deficient pleading.” Osahar v. U.S. Postal Serv., 297 F. App’x 863, 864 (11th Cir.

2008) (citation omitted). II. DISCUSSION As best the Court can tell, Nash purports to be suing the “ADA” based on his difficulties obtaining “reasonable accommodation.” ECF 4 at 1. He alleges that he is “handicapped” because he is blind in his left eye and has been homeless and sleeping on the sidewalks since July 15, 2024. Id. at 1, 3, 10. Nash references a state court case 1 To avoid dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6), a complaint must contain specific factual matter “to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl.

Corp. v. Twombly, 550 U.S. 544, 570 (2007)). On a motion to dismiss, “all well-pleaded facts are accepted as true, and the reasonable inferences therefrom are construed in the light most favorable to the plaintiff.” Garfield v. NDC Health Corp., 466 F.3d 1255, 1261 (11th Cir. 2006) (internal quotation marks and citation omitted). in Bibb County, No. 23-SCCR-451642 (id. at 2, 4), but the Court is not clear what the posture—or relevance—of this case is.

Nash alleges that he previously requested services with the Metropolitan Housing Authority and tried to obtain continuing education information at the Board of Education, and neither provided aid. Id. at 5. The Court finds that Nash’s amended complaint fails to state a claim upon which relief may be granted. Much like his original complaint, Nash fails to make factual allegations against any named defendant and fails to link claims to any named defendant.

The only named defendant is the “ADA.” Id. at 1. The Americans with Disabilities Act is a federal law, not an entity capable of being sued. If Nash is referring to another “ADA,” he makes no factual allegations against it.

Accordingly, Nash’s amended complaint (ECF 4) is DISMISSED. SO ORDERED, this 26th day of November, 2025. S/ Marc T. Treadwell MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT

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